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SUBJECT: TURKISH COURT BLOCKS ACCESS TO "YOUTUBE" WEBSITE

1.(SBU) Summary: A Turkish court banned access to the "YouTube" website on March 7 to block a cartoon video that lampooned Turkey's founding father Ataturk as gay. The video was part of a "virtual war" on YouTube between Greeks and Turks, each posting videos to demean and provoke the other. Turks, especially young people, condemned the Ataturk video but were uniformly dismayed and outraged by the court's response to ban access. Newspaper columnists expressed criticism and shame. On Thursday, March 8, the court ruled in a new decision that it would lift its prior order if YouTube removed the offensive video. Finally, as of March 9, the ban appears to have been lifted. The YouTube angle of Turkey's latest free speech case makes it a hot topic, particularly among youth, in this country where Internet use is widespread and growing. A ban on YouTube may be the spark needed to motivate the approximately 30 percent of Turkey's population that is between 15 and 30 years old to actively encourage broader freedom of expression in line with western norms. End summary.

Turkish Court Rules YouTube Video Insulted Ataturk

2.(U) A Turkish court blocked access to the YouTube website on Wednesday, March 7, after a prosecutor alleged that videos posted on the site violated the 1951 law that prohibits "publicly insulting the memory of Ataturk." Turk Telekom, Turkey's dominant telecommunications company and largest Internet provider, immediately enforced the ban, and said it would allow access to the popular video sharing site again only if the court so permitted. Although access to YouTube was reportedly possible through other providers, thousands of Turks, unable to access the increasingly popular site, emailed YouTube to complain.

3.(U) The case arose out of what Turkish media dubbed a "virtual war" on YouTube between Greek and Turkish contributors who posted videos designed to demean and provoke each other. After receiving complaints regarding the videos, the Istanbul Prosecutors' Office instructed the Istanbul police and a prosecutor to examine the videos. The cartoon

video that prompted the ban lampooned Ataturk and the Turkish people as being gay. The video showed two sophomoric cartoon-like clips, less than a minute long, of Ataturk making statements about being gay, as the Village People's well-known anthem "YMCA" played in the background. After viewing the clips, prosecutor Nurten Altinok determined the videos violated the Law Against Insulting Ataturk, and applied to an Istanbul court to block access to the site. The court agreed, ruling the ban was necessary because, "Mustafa Kemal Ataturk and Turkey were insulted with swear words written in English on Ataturk's photos and to protect freedom of expression."

4.(U) On March 8, the court ruled in a new decision that it would revoke the ban as soon as it could verify that YouTube had removed the offensive video. The company did so, and by the afternoon of March 9 users were again able to access the site.

Turks Condemn Video but Outraged by Total Ban

5.(SBU) Many Turks roundly condemned the Ataturk video. Several diplomats at the MFA expressed outrage in private and sent emails to YouTube requesting that the offensive images be removed from the website. Nevertheless, most Turks, particularly high school and university students, strongly opposed completely blocking access to the site. One group of university students submitted a petition to the Sisli Istanbul Penal court requesting the court lift the ban. The petition stated that the students deplored the video at issue but stressed that the court was punishing Turkey's citizens with the ban. A student from Ankara's Middle East Technical

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University told us that students are much more concerned with lack of access to YouTube than other free expression issues the EU and international observers focuses on, such as Turkish Penal Code Article 301 (insulting "Turkishness"). His anthropology professor, Dr. Aykan Erdemir, hoped the YouTube controversy would serve as a wake-up call for Turkish students who have generally remained passive in the debate over amending Article 301.

6.(U) Turkish media, both mainstream secular and Islamist, uniformly criticized the ban. After the court ruling, senior columnists from every major paper wrote of what one called "the blunt blow" to freedom of expression. "Posta" columnist Mehmet Ali Birand argued that the ban harmed Turks by detaching them from the rest of the world, which remained connected to the site. "Hurriyet's" Cuneyt Ulsever likened the court's attitude to that of a small child who thought he would be invisible by burying his head under a pillow. As the ban moved into its second day, columnists pointed out that the world's attention was now focused on Turkey, and speculated that the event would damage Turkey's EU accession negotiations. "Radikal's" Tarhan Erdem reminded readers that anything banned would only attract more attention. "Vatan" later reported that a Google search of Ataturk plus "gay" resulted in 415,000 hits.

7.(SBU) In addition to freedom of expression considerations, the blockage of YouTube raises serious issues for the Information Technology and Telecommunications sectors, and for the broader climate for business and investment in Turkey. At a time when the Telecoms sector is growing rapidly but still relatively underdeveloped, the YouTube blockage sends a very negative signal on unimpeded access to the Internet. For businesses trying to decide where to locate, the decision is bound to raise questions about whether Turkey can be relied on not to interfere with international data flows on which virtually all companies now depend.

8.(SBU) Comment: The Turkish public has until now remained

relatively detached from freedom of expression debates, such as whether to abolish or amend Article 301. Most Turks view such issues as the bailiwick of ivory tower officials from diplomatic, academic, and human rights circles. The YouTube controversy hits much closer to home. Internet use is widespread in Turkey and growing in popularity, especially among youth. While these adolescents may not care whether Orhan Pamuk or other Turkish writers are prosecuted for "insulting Turkishness," they cannot live without access to streaming video, music, and chat rooms. A ban on YouTube may be the spark needed to motivate the 30 percent of Turkey's population that is between 15 and 30 years old to actively encourage broader freedom of expression in line with western norms. End comment.

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